

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19 CR 128 MOC WCM**

UNITED STATES OF AMERICA)	
)	
v.)	ORDER
)	
PAUL MARTIKAINEN)	
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This matter is before the Court on a Forensic Evaluation (Doc. 29) received from the Federal Medical Center at Butner, North Carolina “(FMC Butner”). A status conference was held on November 25, 2020. Assistant United States Attorney David Thorneloe appeared for the Government. Assistant Federal Public Defender Mary Ellen Coleman appeared for Defendant. At the conclusion of the status conference, the undersigned established a briefing schedule. This Order follows to memorialize that ruling.

Defendant himself was not in attendance as he is currently housed at FMC Butner, as described by the Forensic Evaluation. Neither the Government nor defense counsel objected to the status conference being held in Defendant’s absence under these circumstances.

In the Forensic Evaluation, psychological staff at FMC Butner describe their current opinions regarding Defendant’s competency status and request that the Court order that certain additional medical records be released to the evaluators.

The Court heard from the Government and defense counsel regarding their positions with regard to this request, as well as with regard to further proceedings that may be appropriate. The Government advised that one of Defendant's family members either has copies of the requested medical records or can obtain the records from the relevant providers and is willing to submit them to the Government for transmittal to FMC Butner. Defense counsel objected to this procedure.

Having heard from the parties, and it appearing that both sides wish to make motions regarding these matters, and it further appearing that the Court would be aided by the submission of written materials in support of or in opposition to the request by FMC Butner as well as any motions that may be filed, the undersigned, without objection by either party, established the briefing schedule set forth below. In addition, the Government represented that it would not proceed to obtain the subject medical records from Defendant's family member while these matters are under consideration by the undersigned.

IT IS THEREFORE ORDERED THAT:

1. Any motion any party seeks to make with regard to the matters raised by the Forensic Evaluation shall be filed on or before December 9, 2020.
2. Responses to any such motions shall be due one week later, on or before December 16, 2020.

Signed: November 25, 2020

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

